

AT-138, EJ-125

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address): <b>MICHAEL COSENTINO SBN 83253</b> ATTORNEY AT LAW P.O. BOX 129  ALAMEDA, CA 94501 TELEPHONE NO.: 510-523-4702 FAX NO.: 510-747-1640 ATTORNEY FOR (Name): UNITED STATES OF AMERICA		FOR COURT USE ONLY
NAME OF COURT: UNITED STATES DISTRICT COURT STREET ADDRESS: 450 GOLDEN GATE AVENUE, 15th Floor MAILING ADDRESS: CITY AND ZIP CODE: SAN FRANCISCO, CA 94102 BRANCH NAME: NORTHERN DISTRICT OF CALIFORNIA		
PLAINTIFF: UNITED STATES OF AMERICA  DEFENDANT: ANNMARIE ERNISH		
<b>APPLICATION AND ORDER FOR APPEARANCE AND EXAMINATION</b> <input checked="" type="checkbox"/> ENFORCEMENT OF JUDGMENT <input type="checkbox"/> ATTACHMENT (Third Person) <input checked="" type="checkbox"/> Judgment Debtor <input type="checkbox"/> Third Person		
		CASE NUMBER: C06-921 M

**ORDER TO APPEAR FOR EXAMINATION**

1. TO (name): **ANNMARIE ERNISH**
2. YOU ARE ORDERED TO APPEAR personally before this court, or before a referee appointed by the court, to
- ☒ furnish information to aid in enforcement of a money judgment against you.
  - ☐ answer concerning property of the judgment debtor in your possession or control or concerning a debt you owe the judgment debtor.
  - ☐ answer concerning property of the defendant in your possession or control or concerning a debt you owe the defendant that is subject to attachment.

Date: **November 3, 2014** Time: **9:30 a.m.** Dept. or Div.: Rm.: **Courtroom B**  
 Address of court ☒ shown above ☐ is:

3. This order may be served by a sheriff, marshal, registered process server, or the following specially appointed person (name):  
**YOU ARE ORDERED TO BRING A COPY OF EACH DOCUMENT IDENTIFIED IN THE ATTACHED LIST**

Date: September 8, 2014

  
 JUDGE OR REFEREE  
**MARIA-ELENA JAMES, MAGISTRATE JUDGE**

This order must be served not less than 10 days before the date set for the examination.

**IMPORTANT NOTICES ON REVERSE****APPLICATION FOR ORDER TO APPEAR FOR EXAMINATION**

4. ☒ Judgment creditor    ☐ Assignee of record    ☐ Plaintiff who has a right to attach order  
 applies for an order requiring (name): **ANNMARIE ERNISH** to appear and furnish information  
 to aid in enforcement of the money judgment or to answer concerning property or debt, and to bring a copy of each \*  
 document identified in the attached list.
5. The person to be examined is  
☒ the judgment debtor  
☐ a third person (1) who has possession or control of property belonging to the judgment debtor or the defendant or (2) who  
 owes the judgment debtor or the defendant more than \$250. An affidavit supporting this application under Code of Civil  
 Procedure section 491.110 or 708.120 is attached.
6. The person to be examined resides or has a place of business in this county or within 150 miles of the place of examination.
7. ☐ This court is **not** the court in which the money judgment is entered or (attachment only) the court that issued the writ of  
 attachment. An affidavit supporting an application under Code of Civil Procedure section 491.150 or 708.160 is attached.
8. ☐ The judgment debtor has been examined within the past 120 days. An affidavit showing good cause for another examination  
 is attached.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: September 5, 2014

**MICHAEL COSENTINO**

(TYPE OR PRINT NAME)

(Continued on reverse)

(SIGNATURE OF DECLARANT)

**APPEARANCE OF JUDGMENT DEBTOR (ENFORCEMENT OF JUDGMENT)**

**NOTICE TO JUDGMENT DEBTOR** If you fail to appear at the time and place specified in this order, you may be subject to arrest and punishment for contempt of court, and the court may make an order requiring you to pay the reasonable attorney fees incurred by the judgment creditor in this proceeding.

**APPEARANCE OF A THIRD PERSON  
(ENFORCEMENT OF JUDGMENT)**

**(1) NOTICE TO PERSON SERVED** If you fail to appear at the time and place specified in this order, you may be subject to arrest and punishment for contempt of court, and the court may make an order requiring you to pay the reasonable attorney fees incurred by the judgment creditor in this proceeding.

**(2) NOTICE TO JUDGMENT DEBTOR** The person in whose favor the judgment was entered in this action claims that the person to be examined pursuant to this order has possession or control of property which is yours or owes you a debt. This property or debt is as follows *(Describe the property or debt using typewritten capital letters)*:

If you claim that all or any portion of this property or debt is exempt from enforcement of the money judgment, you must file your exemption claim in writing with the court and have a copy personally served on the judgment creditor not later than three days before the date set for the examination. You must appear at the time and place set for the examination to establish your claim of exemption or your exemption may be waived.

**APPEARANCE OF A THIRD PERSON (ATTACHMENT)**

**NOTICE TO PERSON SERVED** If you fail to appear at the time and place specified in this order, you may be subject to arrest and punishment for contempt of court, and the court may make an order requiring you to pay the reasonable attorney fees incurred by the plaintiff in this proceeding.

**APPEARANCE OF A CORPORATION, PARTNERSHIP,  
ASSOCIATION, TRUST, OR OTHER ORGANIZATION**

It is your duty to designate one or more of the following to appear and be examined: officers, directors, managing agents, or other persons who are familiar with your property and debts.

### **LIST OF ITEMS TO BRING TO DEBTOR'S EXAM**

1. Earnings statements (pay stubs) from your and your spouse's most recent paychecks.
2. Business records for the present year to date and past year which reflect assets, liabilities, gross receipts and expenses for any sole proprietorship, partnership or corporation in which you or your spouse own any interest.
3. Business bank or account statements for the past 12 months from all banks or other financial institutions, where any sole proprietorship, partnership, or corporation in which you or your spouse own any interest, or have an account of any kind.
4. Personal bank or account statements for the past twelve (12) months from all banks, or other institutions, where you or your spouse have an account of any kind.
5. All trust agreements in which you or your spouse are named trustor, trustee or beneficiary.
6. All deeds, leases, contracts, and other documents representing any past or present ownership interest you or your spouse have or had in any real property, and all deeds of trust, mortgages, or other documents evidencing encumbrances of any kind on those real properties, since the entry of the judgment against you in this matter.
7. All stocks, bonds, or other securities of any class you or your spouse may own, separately or jointly with others, including options to purchase any securities.
8. Titles to all motor vehicles or vessels owned by you or your spouse; for each vehicle or vessel provide an account statement for each outstanding loan.
9. All life insurance policies in which you or your spouse are either the insured or the beneficiary.
10. All promissory notes held by you or your spouse, and all other documents evidencing any money owed to you or your spouse either now or in the future.
11. All financial statements furnished by you or your spouse within the past five (5) years.
12. All deeds, bills of sale, or other documents prepared in connection with any transfer made by you or your spouse, whether by gift, sale, or otherwise within the last ten (10) years.
13. A list of all regular expenses paid by you or your spouse, such as installment debts, food, utilities, *etc.* Include the amount paid, the payee, and, if an installment debt, the amount of debt owing and any security pledged.
14. All documents evidencing any interest you or your spouse have in any pension plan, retirement fund, profit-sharing plan or stock option plan.

**LIST OF ITEMS TO BRING TO DEBTOR'S EXAM**

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15. All other records pertaining to your or your spouse's assets and finances.
16. Copies of you or your spouse's income tax returns for the past three (3) years.
17. All records of any unincorporated business of which you or your spouse is an owner or part-owner, or have been an owner within the past five (5) years.
18. Statements for the last five (5) year's of transactions regarding any on-line commerce, including Ebay, Amazon and Pay Pal accounts.

In the following matters, identify means the name, address, telephone number and amount:

19. Identify [by listing] all accounts receivable by you or your spouse.
20. Identify [by listing] each transaction from which you or your spouse anticipate receiving any funds whatsoever within the next 18 months; include real property listing agreements, consulting agreements, services agreements, contract of sale agreements and client fee agreements.